

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARCHE MASTER FUND, L.P.

Plaintiff,

v.

XE-R, LLC,

Defendant.

ECF CASE

Civil Action No. 07-CV-2993
(TPG)(AJP)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT
PURSUANT TO FED.R.CIV.P. 56
AND/OR MOTION TO STAY
PENDING ARBITRATION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated May 21, 2007, Defendant's Rule 56.1 Statement of Undisputed Material Facts, dated May 21, 2007, together with its accompanying exhibits, and all other pleadings and proceedings had herein, Defendant XE-R, LLC, by its attorneys, Kent, Beatty & Gordon, LLP, will move this Court before the Honorable Thomas P. Griesa, United States District Court, Southern District of New York, 500 Pearl Street, Room 1630, New York, New York 10007, on a date and time to be determined by the Court, for an Order pursuant to Rule 56(c) of the Federal Rules of Civil Procedure granting Defendant summary judgment and pursuant to 9 U.S.C. § 3 issuing a Stay Pending Arbitration, and granting Defendant's costs, together with such other and further relief as the Court may deem just and proper.

Dated: May 21, 2007
New York, NY

Respectfully submitted,

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